

REMARKS

The Office has rejected claims 1, 3, 5, 7, 9, 11, 15-17, 20, 22, 29, and 30 under 35 USC § 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554) in view of Sit (Pat. No. 5,940,835). Claims 31, 32, 36-38, and 40 stand rejected under 35 USC § 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554) in view of Kosciuszko (Pat. No. 6,560,593). Claims 2, 6, 10, and 23 stand rejected under 35 USC § 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554), Sit (Pat. No. 5,940,835), and Gatto (Pat. No. 6,510,419). Claims 4, 8, 14, 18, 19, 26, and 27 stand rejected under 35 USC § 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554), Sit (Pat. No. 5,940,835), and Benhadda et al. (Pat. No. 6,366,904). Claims 12, 13, and 28 stand rejected under 35 USC § 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554), Sit (Pat. No. 5,940,835), and Kosciuszko (Pat. No. 6,560,593). Claim 21 stands rejected under 35 USC § 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554), Sit (Pat. No. 5,940,835), and Gilmour (Pat. No. 6,647,384). Claims 24 and 25 stand rejected under 35 USC § 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554), Sit (Pat. No. 5,940,835), and Sevitsky et al. (Pat. No. 6,557,011).

The Rejection of Independent Claims 1, 5, 9, and 22 in View of Asami and Sit

The Office concedes that "Asami does not track an amount of usage of the accessed one or more resources and storing an indication of the tracked amount of usage." (Page 4 of this Office action.) The Office goes on, however, to assert that Sit shows this element. Applicant disagrees.

Sit teaches a tracking system that assigns "tracking identifiers" to fields of a database. The tracking identifiers ascribe meanings to the database fields that allow the tracking system to match related objects. The tracking system of Sit does not track the usage or accesses made to a database resource. It instead tracks or matches all related records based on their tracking identifiers. Sit is silent on tracking an amount of usage of an accessed resource. Furthermore, there is no teaching or suggestion in Sit that would motivate a person of ordinary skill in the art to add such a feature. Sit simply does not show or suggest the tracking of usage or accesses to a database resource.

Asami and Sit, neither separately nor together, do not show nor suggest all the elements of application's claim, nor do they bring a person of ordinary skill in art to a place where it would be obvious to add the missing elements.

The Rejection of Independent Claim 31 in View of Asami and Kosciuszko

The Office has made contradicting statements regarding the Asami prior art. On page 4 of its action, the Office states: "Asami does not track an amount of usage of the accessed one or more resources and storing an indication of the tracked amount of usage." Applicant concurs with the Office in this finding. Indeed, Asami does not show or suggest tracking an amount of usage of accessed resources, nor does it teach the storing of an indication of the tracked amount of usage.

On page 9 of its action, however, the Office makes a conflicting statement when it alleges that Asami "update[s] an indication (col. 4, lines 48-61) representing usage of the user-defined data type (col. 4, lines 64-67)." The Office can not have it both ways. Either Asami teaches tracking the usage of a database resource such as a user-defined data type and updating an indication of that usage, or it does not. At one point, the Office concedes that Asami does not teach this feature, and Applicant agrees. Applicant finds nothing in Asami that would teach or suggest tracking the usage or updating an indication of the usage of a database resource.

Kosciuszko also does not show this feature. Kosciuszko describes a method for "viewing the effect of changes to indexing designs for database tables." In his method, Kosciuszko creates a first query optimization plan based on actual database indexes and then creates a second query optimization plan based on proposed changes to the database indexes. The two query optimization plans are then compared to see if the proposed changes to the indexes result in better performance. Nowhere does Kosciuszko teach tracking an amount of usage of the accessed one or more resources and storing an indication of the tracked amount of usage.

What's more, the combination of Asami and Kosciuszko is an improper one. Asami teaches a "technology that allows data types newly added to a database to be queried in the same manner as conventional data types without requiring specialized knowledge of the data type." Kosciuszko shows "using virtual tables and virtual indexes

for determining optimization plans for database queries when indexes for the database tables are changed." These references do not solve the same or even similar problems. A person of ordinary skill in the art would have no motivation to combine the teachings of Asami and Kosciuszko, as there would be no advantage in doing so. Neither teaching has a solution for the other's problems. Furthermore, except for the use of a database, the teachings of neither of these references relate to each other or to Applicant's claimed invention. There is simply no motivation to combine Asami and Kosciuszko, other than an improper hindsight reconstruction of the claims using Applicant's disclosure as a guide.

Rejections in View of Gilmour, Benhadda, Gatto, and Sevitsky

Like the other references, Gilmour, Benhadda, Gatto, and Sevitsky do not show or suggest tracking an amount of usage of an accessed resource of a database as required by Applicant. These references are completely silent on this element. Applicant's claims are therefore allowable over these references.

CONCLUSION

All of Applicant's claims are allowable over the art of record. Applicant asks that the Office reconsider this application and allow all of the claims. Please charge any fees that might be due, excluding the issue fee, to deposit account 50-1673.

Respectfully,

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